

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: : Bankruptcy No. 21-12547 - MDC  
:   
FLORENCE J. REICHERT :   
:   
:   
Debtor : Chapter 7

**APPLICATION OF ROBERT H. HOLBER, CHAPTER 7 TRUSTEE TO EMPLOY BK  
GLOBAL REAL ESTATE SERVICES AND AUCTION.COM  
PURSUANT TO SECTION 327 OF THE BANKRUPTCY CODE  
AND TO HOLD PUBLIC ON-LINE SALE**

Robert H. Holber, Chapter 7 Trustee ("the Trustee") of the bankruptcy estate of Florence Reichert, ("the Debtor"), hereby files this Application to Employ BK Global Real Estate Services and Auction.com pursuant to Section 327 of the Bankruptcy Code (the "Application"). In support of the Application, the Trustee respectfully states as follows:

**Introduction**

1. By this application, the Trustee seeks the entry of an order authorizing the Trustee to employ BK Global Real Estate Services and Broker (the "Broker") and Auction.com ( the "Auctioneer") to assist him in selling real property located at 2625 State Rd. 590, Unit 622 Clearwater, FL 33759. The Trustee anticipates using the parties expertise in similar sales in this geographic area which will assist the Trustee in realizing the highest possible price for the property. The Trustee asserts that the parties retention is in the best interest of the Debtor, his estate, and his creditors.

**Factual Background**

2. On September 15, 2021, the Debtor filed a voluntary petition for relief under Chapter 7 of Title 11 of the United States

Code (the "Bankruptcy Code").

3. Thereafter, the Office of the United States Trustee appointed Robert H. Holber as Interim Chapter 7 Trustee of the Debtor's estate on September 15, 2021. A 341(a) Meeting was held and concluded on October 25, 2021.
4. The Debtor owns real property located at 2625 State Rd. 590, Unit 622 Clearwater, FL 33759 ( the "Property").
5. Debtor listed The Property as having a value of \$80,000.00.
6. Trustee has conducted on-line research which disclosed the property may have a current value of approximately \$90,000.
7. Debtor has not exempted any value in the Property.
8. Debtor listed a mortgage pay-off, at the time of the filing of the bankruptcy case of \$81,080.00.
9. US Bank Home Mortgage (" US Bank") holds the mortgage encumbering the Property.
10. The secured creditor of the Property has agreed to a commission and carve out as outlined below.
11. Debtor listed a secured debt for condominium fees of \$15,000.00.
12. Debtor lists unsecured debt of approximately \$24,000.00.
13. Trustee estimates, after administrative fees/costs, that there will be a distribution of approximately 25% to unsecured creditors.
14. Trustee anticipates filing a separate motion seeking and order for approving the sale of the Property and for payment to any professionals.

Relief Requested

15. The Trustee, Broker, Auctioneer, and US Bank and have agreed to the following and the following is requested:
  - a. The Property may be sold by on-line sale using Broker and Auctioneer services;
  - b. US Bank may buy the Property from the Debtor's

estate if (and only if) no such offer is made;

c. US Bank shall release its mortgage and otherwise waive all of its claims against the estate with respect to the Property (including any deficiency claims resulting from the proposed sale);

d. US Bank shall agree to a 11 U.S.C. Section 506 surcharge to pay all of the expenses associated with the proposed sale, including the payment of a 3% real estate brokerage commission to Broker and reimbursement of their out-of-pocket expenses;

e. US Bank shall agree to a carve-out of 5% of the sale price of the property or \$7,500.00 which is greater to be paid to the bankruptcy estate.

f. Trustee may retain BK Global Real Estate Services and Auction.com;

g. Trustee may hold a public on-line sale of the Property.

**Applicable Authority**

16. Section 327(a) of the Bankruptcy Code provides, in relevant part, as follows:

Except as otherwise provided in this section, the trustee, with the court's approval, may employ one or more attorney's, accountants, appraisers, auctioneers, or other professional persons, that do not hold or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under this title.

11 U.S.C. Section 327(a)

17. Section 328(a) of the Bankruptcy Code provides, in relevant part, as follows:

The trustee...with the court's approval, may employ or authorize the employment of a professional person under section 327...on any reasonable terms and conditions of employment, including on a retainer, on an hourly

basis, or on a contingent fee basis.

11 U.S.C. § 328(a).

18. Accordingly, this Court is authorized to grant the relief requested in this Application.
19. Any sale of the Properties will be subject to further Court Order with Notice and Hearing pursuant to Section 363 of the Bankruptcy Code.

**No Adverse Interest, Disinterestedness and Disclosure of Connections**

20. As set forth in the Declaration of Patrick Butler, of BKGlobal Real Estate Services, attached hereto as Exhibit "A", the Broker has informed the Trustee that it is a "disinterested person" as defined by section 101(14), and used in section 327(a) of the Bankruptcy Code.
21. As set forth in the Declaration of Bryan Heatley, of Auction.com, attached hereto as Exhibit "B", the Trustee has been informed that Auction.com is a "disinterested person" as defined by section 101(14), and used in section 327(a) of the Bankruptcy Code.

**Notice**

22. Notice of this Application has been provided to the Debtor, the Office of the United States Trustee, the Debtor's creditor matrix, all parties and/or their counsel asserting a security interest upon the Properties, and all parties requesting service through the Court's ECF system. In light of the nature of the relief requested herein, the Trustee submits that no other or further notice is necessary.

**No Prior Request**

23. No prior request for the relief sought in this Application has been made to this or any other court.

WHEREFORE, the Trustee respectfully requests an order in the form attached: (i) authorizing the Trustee's retention of Global Real Estate Services and Auction.com; (ii) authorizing an on-line auction of the Property, and (iii) granting such other relief as the Court deems appropriate.

Law Office of Robert H. Holber, P.C.

By: 

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